

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WEIXING V. WANG
Plaintiff,

v.

NO. 1:22-cv-12002-PBS

API TECHNOLOGIES CORPORATION,
Defendant.

**REPORT AND RECOMMENDATION ON
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT (#95).**

KELLEY, U.S.M.J.

I. Introduction.

In this employment discrimination lawsuit, plaintiff Weixing Wang, proceeding *pro se*, alleges that defendant API Technologies Corporation ("API") did not hire him for an open quality manager position because of his national origin, race, and age in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* ("Title VII"), the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.* ("ADEA"), and Mass. Gen. Laws ch. 151B § 4. (#1-1); (#24). Currently before the court is plaintiff's Motion for Default Judgment (#95). For the reasons discussed below, the court recommends that plaintiff's motion be denied.¹

¹ District Judge Saris has referred the case to the undersigned Magistrate Judge for full pretrial purposes, case management, and reports and recommendations on dispositive motions. (#23.) Plaintiff's motion seeks default judgment under Rule 55 of the Federal Rules of Civil Procedure. In an abundance of caution, the court treats plaintiff's motion as potentially dispositive and issues a report and recommendation. *See ML-CFC 2007-6 Puerto Rico Props., LLC v. BPP Retail Props., LLC*, 951 F.3d 41, 46-47 (1st Cir. 2020); *Patton v. Johnson*, 915 F.3d 827, 832 (1st Cir. 2019) ("As Article I judicial officers, magistrate judges ordinarily may not decide motions that are dispositive either of a case or of a claim or defense within a case." (quoting *Powershare, Inc. v. Syntel, Inc.*, 597 F.3d 10, 13 (1st Cir. 2010) (internal quotation marks and alterations omitted))).

4/10/24
The court
admits the report
and recommends
and denies the motion
for default judgment. Paul Saris